

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**FRANCIS SCHRAM,
LUCILLE ERISMAN and
DONALD BROWN,**

Defendants.

)
)
)
)
)
)
)
)
)
)
)

8:05CR220

ORDER

This matter is before the court on the motions for an extension of time by defendant Francis Schram (Schram) (Filing No. 23) and by defendant Lucille Erisman (Erisman) (Filing No. 24). Defendants seek an extension of time to August 29, 2005, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 12). Defense counsel represent to the court that counsel for the government has no objection to the motions. The defendants have submitted an affidavit in accordance with paragraph 9 of the progression order whereby they consent to the motions and acknowledge they understand the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted. However, no further extensions of the pretrial motion deadline will be granted unless there is a showing that a denial of such motion would amount to a manifest injustice.

IT IS ORDERED:

Defendant Schram's and Erisman's motions for an extension of time (Filing Nos. 23 and 24) are granted. Defendants are given until **on or before August 29, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 12). The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **August 1, 2005 and August 29, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 1st day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge